



Memorandum

TO: HISTORIC LANDMARKS
COMMISSION

SUBJECT: EVERGREEN-EAST HILLS
DEVELOPMENT POLICY

FROM: Joseph Horwedel

DATE: March 25, 2008

COUNCIL DISTRICT: # 5, 7, & 8
SNI AREA: K.O.N.A.,
EastValley/680, &
West Evergreen

RECOMMENDATION

Historic Landmarks Commission to review and comment on historic preservation criteria, to be included in the proposed Draft Evergreen-East Hills Development Policy (EEHDP).

BACKGROUND

On June 26, 2007, the City Council approved the draft criteria for the update of the traffic policy for an area now known as the Evergreen-East Hills (east of Highway 101 and south of Story Road). These criteria included:

- 1) limiting residential development to a pool of 500 units;
- 2) allowing only 35 residential units on any one property, unless the development incorporates affordable housing, historic preservation, or mixed use components; and
- 3) allowing 500,000 square feet of commercial and 75,000 square feet of office development.

City Council's June 2007 direction to staff indicated that the updated traffic policy should primarily support small, infill projects of 35 dwelling units or less. However, the City Council also included exceptions to the 35 unit limit, calling out projects that incorporate historic preservation, mixed-use, and affordable housing as candidate projects that could develop more than 35 residential units.

Staff expects that some developers and/or property owners are interested in exceeding the 35 unit limit, and therefore it is important that the criteria for historic preservation result in projects with verifiable historic preservation results. For these reasons, staff asked the Historic Landmarks Commission at its March 5, 2008 meeting for input on key preservation considerations to be included in the Draft Evergreen-East Hills Development Policy.

RELATIONSHIP BETWEEN HISTORIC PRESERVATION AND THE EEHDP

The proposed Evergreen-East Hills Development Policy is primarily an area transportation policy. A traffic analysis is underway to analyze roadway impacts of allowing 500 residential units, 500,000 square feet of commercial and 75,000 square feet of office in the EEHDP area. Staff is still

developing criteria for mixed use and affordable housing developments which would also be exempt from the 35 unit limit. Once the traffic analysis is complete, staff will be able to finish the draft EEHD Policy. The proposed historic preservation criteria would be one component of the policy. The historic preservation criteria are not dependent on the traffic analysis and are the only portion of the EEHD Policy that would fall under the purview of the Historic Landmarks Commission.

PROPOSED HISTORIC PRESERVATION CRITERIA FOR THE EEHDP

All future development in the Evergreen-East Hills area, similar to the entire City, is required to conform to the General Plan, Residential Design Guidelines, and Zoning Ordinance, including all of the City's existing historic preservation policies. The proposed historic preservation criteria for the EEHDP would apply in addition to these policies and ordinances. Below is an analysis of the proposed criteria, including the incorporation of recommendations made by Historic Landmarks Commissioners at the March 5th meeting.

Proposed Historic Preservation Criterion #1: "Any project including a resource that qualifies for listing on the City of San Jose Historic Resources Inventory, is eligible to develop more than 35 residential units; provided that the proposal meets the General Plan, Residential Design Guidelines, Zoning Ordinance, and all of the following preservation criteria"

Commissioner Colombe commented that the policy should require projects that contain Structures of Merit to rehabilitate the resource to the Secretary of the Interior Standards. Neither the City Council Policy No.6-25: Guidelines for the Designation of City Historic Landmarks, the California Environmental Qualify Act Guidelines, nor the City's Historic Preservation Ordinance require Structures of Merit to follow the Secretary of Interior Standards. This requirement within the Draft EEHD Policy would facilitate the preservation of a broader spectrum of resources.

Proposed Historic Preservation Criterion #2: The resource must be preserved on-site, and rehabilitated by a qualified Preservation Architect in conformance with the Secretary of the Interior Standards.

This requirement is recommended by staff in order to provide the development incentive for adequately preserving resources onsite, rather than for relocation off-site. Given that the process of relocation impacts a resource, by removing it from its original context and setting, it is more desirable to have the new development designed in such a way to be compatible and sensitive to the resource rather than simply opting for its relocation.

Proposed Historic Preservation Criterion #3: Rehabilitation of the resource by a qualified Preservation Architect to the Secretary of Interior Standards must be completed and a maintenance plan submitted prior to issuance of any occupancy permits for any new residences on the property.

This requirement was proposed by Commissioner Stabile, who indicated that it was very important that historic resources be improved before occupancy permits for new development

are issued. Staff agrees that adequate preservation should occur before new development can be occupied to ensure that preservation indeed occurs and is completed in a prompt manner.

Proposed Historic Preservation Criterion #4: The context and cultural landscape, including landscaping, accessory structures, or setting features that contribute to the significance of the resource, should be evaluated by a qualified professional and preserved on-site.

Given the Evergreen-East Hills area's historic participation in agriculture, this requirement is proposed by staff to ensure that resources retain adequate features which convey the resource's significance, such as, but not limited to, drying sheds, water towers, vineyards, and orchards. This requirement is also applicable to resources not affiliated with agriculture, as certain landscaping, setbacks, or accessory structures may also contribute to a non-agriculturally-related resource's significance.

Proposed Historic Preservation Criterion #5: Any new development proposed adjacent to the resource should be stepped down to provide adequate separation from the resource. The massing of the proposed development must provide a compatible interface with the resource.

Commissioner Cunningham recommended that criteria which limit density or height of new development adjacent to resources be included in the policy. The proposed language allows for case-by-case analysis to ensure that the massing and separation of new development from a resource is adequate.

Proposed Historic Preservation Criterion #6: The most prominent elevations that convey the resource's significance should be visible from a public-right-of way, with no other structures or site plan features blocking public visibility of the resource.

Commissioner Colombe recommended that resources, in particular, the Mirassou Winery, retain visibility from Aborn Road. Staff agrees that all resources should retain their relationship to existing roadways or other public view corridors. Where a relationship between a resource and roadway does not exist, having the development designed to support visibility of the resource from a public-right-of way is crucial to allow public accessibility of the resource.

Proposed Historic Preservation Criterion #7: The resource should be used for the purpose in which the structure was constructed or as an adaptive alternative re-use that allows for rehabilitation of the resource to the Secretary of the Interior Standards, including compatibly with the resource's context and surroundings that are being preserved to convey the resource's significance.

Commissioner Colombe recommended that resources be adaptively re-used, and the use be compatible with its surroundings.

Proposed Historic Preservation Criterion #8: Maintenance of the resource, following the Secretary of Interior Standards, is required of the any future property owners of the resource. These requirements must be disclosed to future property owners prior to purchase of the property.

This requirement is recommended by staff and informs property owners of their responsibilities to maintain the resource prior to its purchase. The City can address long-term maintenance responsibilities of the resource through development standards or conditions included in planning entitlements.

Proposed Historic Preservation Criterion #9: Any property qualifying as a Candidate City Landmark should be nominated for designation prior or consecutive to approval of development permits.

Commissioner Thacker recommended candidate City Landmarks utilizing the Policy be designated. Designated City Landmarks subject to the Historic Preservation Permit requirements of the Preservation Ordinance and have access to Mills Act and Construction Tax incentives. Properties eligible for the National Register also have access to federal tax credit incentives.

KNOWN HISTORIC RESOURCES IN EVERGREEN-EAST HILLS AREA

There are not funds allocated to perform intensive level survey work of existing historic resources in the Evergreen-East Hills area. Commissioner Peak suggested an aerial or Metroscan inventory search be performed to find anomaly-shaped parcels that could potentially have resources on them. Such an undertaking would also require funding to complete given time necessary to research the Evergreen-East Hills area, which is approximately 1/5 of the geographic area of the city. However, staff has researched development proposals that were submitted as preliminary review questionnaires, to illuminate for the Commission, certain areas that may potentially have resources. These areas have large parcels which have not been subdivided in the past 40 years, and are likely to have structures over 50 years of age. The following identifies areas in the EEHDP area that are likely to have structures over 50 years in age:

Parcels alongside San Felipe Road

Parcels alongside Ruby Avenue, north of Murillo Avenue

Parcels alongside Nieman Boulevard

Attached to this staff report is also a map of the properties in the Evergreen-East Hills area that are listed in the Historic Resources Inventory.

As mentioned at the March Historic Landmarks Commission meeting, Trumark Companies has filed a General Plan Amendment to amend the Evergreen Specific Plan and change the General Plan Land Use/Transportation Diagram designation for the Mirassou Winery from Public Park/Open Space and Village Center to Medium High Density Residential (12-25 DU/AC) on 12.91 acres and retain 2.22 acres of the site as designated Village Center. The Mirassou Winery site is a property that would potentially be able to make use of the exception in the proposed EEHDP to develop over 35 residential units, provided that the development proposal met the proposed historic preservation criteria and that Council adopted the EEHDP with such criteria.

CEQA

Historic Landmarks Commission

March 25, 2008

Subject: Draft EEHDP Historic Preservation Criteria

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Staff is working on a supplement to the Environmental Impact Report for the Evergreen-East Hills Development Strategy that was certified in December 2006. Environmental analysis will not provide project level clearance for development projects but will instead solely provide environmental clearance relating to traffic for 500 residential units, 500,000 square feet of commercial development, and 75,000 square feet of office development in the traffic policy area.

PUBLIC OUTREACH/INTEREST

Staff conducted a community meeting on March 17, 2007 at the Hillview Library to receive feedback on the proposed policy criteria still in preparation.

Staff will conduct a second community meeting to receive input on the EEHDP. The second community meeting will be conducted in late-June after the transportation analysis is complete, to present the draft policy, traffic analysis results, and proposed traffic impact fee. Staff will notify members of the community of these meetings through existing email lists. Staff will also post the community meeting information and received comments on the Evergreen-East Hills Development Policy link on the Planning, Building, and Code Enforcement webpage (www.sanjoseca.gov/planning/evergreen). There are no funds budgeted for media ads, however staff will outreach to community newspapers to provide information about upcoming community meetings.

COORDINATION

This project is being coordinated with the Department of Transportation and City Attorney's Office.

JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

Attachments:

Map of Evergreen-East Hills Area

Map depicting properties listed in the Historic Resources Inventory in the Evergreen-East Hills area